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ALLTEL SERVICE CORPORATION  
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ORIGINAL  
FILE

October 5, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street NW, Room 222  
Washington, DC 20554

RE: In the Matter of Revision of Part 22 of the Commission's Rules  
Governing the Public Mobile Services, CC Docket No. 92-115

Dear Ms. Searcy,

Enclosed for filing on behalf of ALLTEL Mobile Communications, Inc. are an original and nine copies of its comments in the above referenced proceeding.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Sincerely,

Carolyn C. Hill  
Federal Regulatory Counsel

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Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Revision of Part 22 of the ) CC Docket No. 92-115  
Commission's Rules Governing )  
the Public Mobile Services )

Comments of ALLTEL Mobile Communications, Inc.

ALLTEL Mobile Communications, Inc. (ALLTEL) hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking ("Notice"), released June 12, 1992, FCC 92-205, in the above-captioned proceeding. ALLTEL affiliates provide cellular and paging services in various parts of the United States and thus will be impacted by the proposed revisions.

In the Notice, the Commission indicated that the proposed Part 22 revisions were designed to make its rules easier to understand, to eliminate unnecessary information collection, to streamline licensing procedures, and to allow licensees greater flexibility in providing service to the public (Notice, page 1). Based on ALLTEL's review of the Part 22 rewrite, it is apparent that the majority of the proposed revisions should, in fact, facilitate the regulatory process.

ALLTEL has worked with CTIA in the development of its comments which are being filed today and endorse those comments. Herein, ALLTEL has expanded on some of the areas covered in CTIA's comments or proposed additional changes which we believe will strengthen the commendable efforts of the Commission in the Part 22 rewrite.

In Section 22.167, the Commission has proposed what it refers to as "finder's applications" which would permit applications to be filed for assigned but unused channels prior to the deletion of their previous assignment from the Commission's station files. It is ALLTEL's understanding that this revision would apply to various Part 22 services. ALLTEL believes that this proposed revision is not in the public interest and, in fact, conflicts with the Act and existing case law.

Assuming, arguendo, that such applications could be entertained and the applicability to specific services determined, the ultimate result appears to be the creation of significant ill-will, a torrent of pleadings and protracted litigation. Recognizing that there is a legitimate public interest concern regarding the efficient use of the spectrum, ALLTEL believes that this goal could be achieved in a much easier way; namely, through licensee certification on a periodic basis.

The Commission also proposes to change its mutually exclusive procedures so that they are similar to its procedures for unserved areas and allow applications to be filed on a "first come, first served basis.". See, for example, proposed Section 22.509. ALLTEL objects to this change in that it can preclude licensees from expanding their systems and gear the process to a timing sequence rather than to the merits of an application. Thus, ALLTEL believes the current process should be retained, but with a licensing preference for existing licensees in the event of a frequency conflict.

In Section 22.123, the Commission has proposed classifying certain changes, such as a transmitter relocation, as a major modification. ALLTEL believes that needed flexibility will be lost and service delayed to the public if changes which were previously classified as minor are now major. ALLTEL believes that Section 22.123 should be revised accordingly, as should Section 22.163.

Clarification is also necessary with respect to that portion of Section 22.123 relating to major modifications for the Cellular Radiotelephone Service. Such clarification should reflect that the major modification definition only applies to the initial CGSA in an MSA, RSA or unserved area rather than, for example, the establishment of an additional CGSA within an RSA. Also, because licensees can now modify an existing CGSA during the 5-year fill-in period by using a Form 489, Section 22.123(2)(B) should be revised or clarified to reflect this and companion changes made to Section 22.163.

In the Notice, the Commission proposes to eliminate certain sections which ALLTEL believes should be retained. Specifically, ALLTEL opposes the deletion of Section 22.43(a)(3) which permits an application for reinstatement to be filed. During the construction and/or renewal process, there can be unintended oversights which the licensee should be permitted to explain or justify to the Commission without the draconian result of license termination.

Additionally, the Commission has proposed to delete Section 22.913(d) and 22.923(e) without replacement by revisions or additional rules having the same language. These rules have been

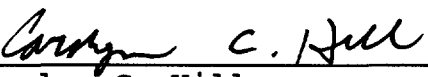
construed to allow the use of Form 489 notification for additional transmitters with de minimus extensions beyond the market boundaries so long as consent letters are obtained and filed. This procedure has enabled the timely provision of cellular service, particularly in the RSAs. Therefore, ALLTEL believes that these provisions should be retained.

In summary, ALLTEL commends the Commission for its thoughtful and thorough examination of the current rules and the resultant Part 22 proposal. We believe that the changes or clarifications set forth herein will build on that significant effort and serve to improve the regulatory process as well as the timely provision of service to the public.

Respectfully submitted,

ALLTEL Mobile Communications, Inc.

By

  
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Carolyn C. Hill  
ALLTEL Service Corporation  
1710 Rhode Island Ave NW Suite 1000  
Washington, DC 20036

Its Attorney

October 5, 1992

Certificate of Service

I, Rita Ferrando, do hereby certify that copies of the foregoing comments were served by hand or by U.S. Mail, postage prepaid, on the following:

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Rita Ferrando

October 5, 1992